

# LOS ANGELES POLICE COMMISSION

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July 11, 2025

BPC #25-169

The Honorable City Council  
City of Los Angeles, Room 395  
c/o City Clerk's Office  
Los Angeles, CA 90012

Dear Honorable Members:

RE: U-VISA OVERVIEW, CITY COUNCIL FILE NO. 25-0106

At the regular meeting of the Board of Police Commissioners held Tuesday, July 1, 2025, the Board APPROVED the Department's report relative to City Council File No. 25-0106, U-Visa Overview.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Rebecca Munoz".

REBECCA MUNOZ  
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

DS 6/26/25  
25-169

June 25, 2025  
8.6

**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** U-VISA OVERVIEW

**RECOMMENDED ACTIONS**

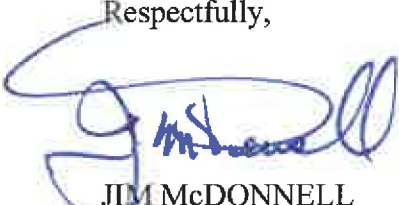
1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report.
2. That the Board TRANSMIT the attached report to the Los Angeles City Council.

**DISCUSSION**

At the request of the Los Angeles City Council and the Civil Rights, Equity, Immigration, Aging and Disability Committee (Council File No. 25-0106), attached is a report on the Department's process for handling U-Visa requests, which are available to undocumented immigrants when subject to certain crimes, such as domestic violence, sexual assault and other crimes. The report was prepared by the U-Visa Coordinator, Detective Marie Sadanaga.

Should you have any questions, please contact Deputy Chief Alan Hamilton, Chief of Detectives, Detective Bureau, at (213) 486-7000.

Respectfully,



JIM McDONNELL  
Chief of Police

Attachments

**BOARD OF  
POLICE COMMISSIONERS**  
Approved *July 1, 2025*  
Secretary *Rebecca Muñoz*

**FACT SHEET**  
**U-VISA OVERVIEW**  
**May 14, 2025**

**PURPOSE**

On March 26, 2025, the Los Angeles City Council adopted a motion recommended by the Civil Rights, Equity, Immigration, Aging and Disability Committee (Council File No. 25-0106). The motion instructed the Los Angeles Police Department (LAPD) to report on the Department's process for handling U-Visa requests, which are available to undocumented immigrants when subject to certain crimes, such as domestic violence, sexual assault and other crimes. The report should provide:

- a. An overview of the LAPD's procedures for certifying U-Visas for victims of qualifying crimes;
- b. Data on the number of U-Visa certification requests received and granted by LAPD since 2017; and,
- c. Any challenges or barriers victims may face when seeking U-Visa certification.

The report should also include the Department's Immigration Policy and how the Department publicizes and educates the public about their policies.

**SUMMARY**

- a. An overview of the LAPD's procedures for certifying U-Visas for victims of qualifying crimes.**

On November 6, 2008, the Department published Special Order No. 42 establishing procedures for U-Visa certification requests. Department procedure was further expanded and defined with Special Order No. 12, published on September 29, 2022. On January 1, 2024, Assembly Bill (AB) 1261 became law and amended requirements for processing U-Visa certification requests. On January 8, 2024, a Chief of Detectives Notice was published to inform personnel about the changes. (See attached Special Orders and Notice for further details.)

For the Department to sign a certification:

- There must be a victim of qualifying criminal activity;<sup>1</sup>
- The victim must possess information relevant to the crime;

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<sup>1</sup> According to the Department of Homeland Security, United States Citizenship and Immigration Services, Form I-918 Supplement B, U Nonimmigrant Status Certification, Part 3. Criminal Actions, qualifying criminal activity includes: abduction, abusive sexual contact, attempt to commit any of the named crimes, being held hostage, blackmail, conspiracy to commit any of the named crimes, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, fraud in foreign labor, contracting, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, solicitation to commit any of the named crimes, stalking, torture, trafficking, unlawful criminal restraint, and witness tampering.

- The victim must have been helpful, must be helpful, or must be likely to be helpful in the investigation or prosecution of the crime; and,
- The crime must have violated United States law, must have occurred within the City of Los Angeles, and must have been investigated by the Department.

U-Visa certification requests are handled by the investigating geographic Area or specialized division, as appropriate. Each investigating Area and specialized division must have both a primary and a secondary U-Visa Coordinator. The U-Visa Coordinator may be sworn or civilian. The coordinator's responsibilities include:

- Coordinating the processing of the certification requests;
- Upon receipt of a certification request, verifying the Department conducted the investigation;

**Note:** Certification requests can be submitted by the United States Postal Service, private courier, in person delivery, or email (each Area and specialized Division has a divisional U-Visa email).

- Attempting to verify the victim's identity either by government-issued identification or personal knowledge of the victim;

**Note:** Per AB 1261, the person requesting certification does not need to provide a government issued identification.

- Entering the certification request into the U/T-Visa database;
- Obtaining a copy of the crime or arrest report;
- Reviewing the crime or arrest report, investigative notes, and, if applicable, the court minutes (to ensure the victim was cooperative throughout the court process) to determine if the victim meets the qualification criteria;
- If the victim qualifies for a certification, completing the United States Citizenship and Immigration Services (USCIS) Form I-918 Supplement B;
- If the victim does not qualify for a certification, complete a denial letter including specific reasons for the denial;

**Note:** Per California Penal Code Section 679.10, there is a rebuttable presumption of helpfulness and a denial letter shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate.

- Ensuring the certification or denial letter is properly signed by one of the two designated certifying officials at the Area or specialized division;
- Providing the original certification to the victim or their legal representative within the required time frame; and,

**Note:** Per California Penal Code Section 679.10, certification requests shall be completed within 30 calendar days of receiving the request, or seven calendar days if the victim is in immigration removal proceedings.



- Scanning a copy of the certification or denial letter for uploading into the U/T-Visa database and ensuring the Detective Case Tracking System or Records Management System and U/T-Visa database are updated with all the relevant information.

Victims are permitted to appeal the Department's denial of their certification request. All certification request denial appeals are reviewed by the Department's U-Visa Coordinator, who is the final authority for such appeals and makes the final decision regarding the issuance or denial of the U-Visa certification. Additionally, the Department may, under certain circumstances, withdraw its certification if the victim stops being helpful; Department policy provides specific guidance on procedures for documenting and notifying USCIS when a certification is withdrawn.

**b. Data on the number of U-Visa certification requests received and granted by LAPD since 2017.**

The number of U-Visa certification requests are reflected in the table below by year and include the number of requests certified, denied, appealed and open (pending investigation).

<b>Year</b>	<b>Total U Visa Requests</b>	<b>Certified</b>	<b>Denied</b>	<b>Appealed*</b>	<b>Open</b>
<b>2025 thru 5/15</b>	1,286	988	276	39	22
<b>2024</b>	2,841	2,426	415	136	0
<b>2023</b>	2,518	2,108	410	19	0
<b>2022</b>	1,772	1,440	332	41	0
<b>2021</b>	1,583	1,275	308	77	0
<b>2020</b>	1,524	1,226	298	77	0
<b>2019</b>	2,081	1,604	477	100	0
<b>2018</b>	2,138	1,698	440	76	0
<b>2017</b>	2,551	2,053	498	72	0
<b>Total</b>	18,294	14,818	3,454	637	22

\*Appealed cases are not included in U Visa total numbers as they are originally denials.

**c. Any challenges or barriers victims may face when seeking U-Visa certification.**

One barrier is victims may be unsure of the process to request a U-Visa certification. The Department has a webpage on the public Department website which includes information such as the certification request procedure, frequently asked questions, and a list of the geographic Areas and specialized divisions that process U-Visa requests along with their emails. Department personnel provide overviews of the program and application process at various community events, and the Department U-Visa Coordinator attends regular meetings to educate the community about the Department's procedure, including an annual U-Visa meeting hosted by the Los Angeles Violence Against Women Act Network of legal service providers.

Another challenge is victims or their legal representatives encounter a lengthy delay in obtaining a copy of the police report to include in their U-Visa application submission to

USCIS. Once a certification is signed by the Department, it is only valid for six months from the date of signature, so a delay of several months in obtaining a copy of the crime report can require the victim to request an additional certification if the first expires. Additionally, per California Penal Code Section 679.10, a victim or their legal representative requesting a copy of a police report shall receive the report within seven days of the request.

The Department's immigration policy is consistent with the California Values Act and City Ordinance No. 188441, adding Chapter 19 to Division 19 of the Los Angeles Administrative Code. Department Manual Section 4/264.50 addresses the enforcement of U.S. immigration laws and states that officers shall not initiate police action where the objective is to discover the civil immigration status of a person. In addition, Department Manual Section 4/264.55 prohibits Department personnel from inquiring about or recording a person's civil immigration status unless it is necessary to, among other things, provide victim services such as a T-Visa declaration or U-Visa certification.

The Department's policy including publications and frequently asked questions are on the public website. The information is also regularly discussed at various community and public events or whenever requested by members of the public.

## **CONCLUSION**

U-Visas are an essential tool in addressing serious crimes. When law enforcement agencies complete a U-Visa certification, it helps build trust with immigrant and underserved communities, encouraging victims and witnesses to come forward and report crimes without fear. This collaboration directly strengthens the Department's ability to detect, investigate, and prosecute criminal activity, improving safety for the entire community.

To maximize the effectiveness of this tool, the Department has implemented ongoing training for officers on the purpose, process, and impact of U-Visas with regular meetings/trainings for U-Visa Coordinators and a training bulletin for all personnel. Additionally, public outreach can help inform community members about their rights and the protections available to them, further encouraging cooperation and reporting.

Prepared by:  
Detective Marie Sadanaga  
Detective Bureau

SPECIAL ORDER NO. 42

November 6, 2008

**SUBJECT:** LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING AND OTHER SERIOUS CRIMES AGAINST PERSONS, AND THE DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, I-914, SUPPLEMENT B, AND I-918, SUPPLEMENT B, FORMS - ACTIVATED

**PURPOSE:** Recent federal legislation enables law enforcement officers to complete a Law Enforcement Agency (LEA) endorsement for an immigrant victim of trafficking or an immigrant victim of a serious crime(s) against persons. This legislation also enables an immigrant victim to apply for a temporary visa, allowing them to remain in the United States during the criminal investigation and prosecution of the crime(s), providing the victim is cooperating with the investigation and/or prosecution. This Order establishes Department procedures for completion of a LEA endorsement for immigrant victims of crimes listed under the Victims of Trafficking and Violence Protection Act (VTVPA).

**BACKGROUND:** Congress passed the VTVPA and sub-sections including the Battered Immigrant Women's Protection Act, in 2000. The Victims of Trafficking and Violence Protection Act enables immigrant victims to apply for either temporary federal T-Nonimmigrant Status (T-visa) or U-Nonimmigrant Status (U-visa). Congress subsequently passed the Trafficking Victims Protection Reauthorization Act of 2003, which strengthened legal elements of the VTVPA and provides local law enforcement with authority for agency endorsement, which was previously provided only to federal agencies. In 2005, Section 236.1 of the California Penal Code (PC) made human trafficking within the State of California a crime. Additionally, in 2005, Section 236.2 PC required law enforcement agencies to complete the federal form (LEA endorsement) for eligible immigrant victims of trafficking.

**PROCEDURE:** The Department may provide a LEA endorsement upon request of the immigrant victim, providing the immigrant victim meets the qualifications as delineated in this Order. Immigrant victims requesting a LEA endorsement for a temporary visa shall be referred to the Department Area or division investigating officer (I/O).

**Note:** In accordance with existing Department policy detailed in Department Manual Section 4/264.50, *Enforcement of United States Immigration Laws*, "officers shall not initiate police action where the objective is to discover the alien status of a person."

Once the LEA endorsement is provided to the immigrant victim, the victim or their legal representative will include the LEA endorsement in their application for a temporary visa, and submit it to the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS). These temporary visas are designed to assist in the investigation and prosecution of the criminal case by allowing the victim to temporarily remain in the United States. The USCIS makes the final determination and has sole authority to determine if a temporary visa will be issued.

**I. LAW ENFORCEMENT AGENCY ENDORSEMENT - DEFINED.** The Law Enforcement Agency endorsement is prepared by the Department Area or division I/O attesting to the facts that the crime committed against the victim qualifies under the VTVPA T-visa or U-visa categories and the victim possess information regarding the criminal activity.

**A. General Criteria.** The victim must meet the following general criteria:

- \* The crime is designated as one or more of the VTVPA T-visa or U-visa qualifying crimes, listed on the federal I-914, Supplement B, or I-918, Supplement B, forms;
- \* The victim has been helpful, is being helpful, or will likely be helpful with the criminal investigation and/or prosecution of the crime committed against them; and,

**Note:** It is required that the immigrant victim be cooperative with the investigation or prosecution of the crime. It is not required that the suspect(s) actually be prosecuted for the crime.

- \* The crime must have occurred in the United States.

**Exception:** An immigrant victim who is incapacitated, incompetent, or under the age of 16 is not required to personally possess information regarding the qualifying criminal activity. The minor's parent, guardian, or "next friend" may provide the information and should be included on the LEA if he or she is cooperating with the criminal investigation. A "next friend" is a person who acts for the benefit of an incompetent or minor plaintiff, but who is not a party to the legal proceeding and is not appointed as a guardian

- B. T-visa Qualifications.** Immigrant victims of human trafficking and the immigrant victim's family members may be eligible to apply for a T-visa. A Law Enforcement Agency endorsement on the Department of Homeland Security, USCIS, I-914, Supplement B-Declaration of Law Enforcement Officer for Victim of Trafficking in Persons form, **shall** be provided to the immigrant victim of human trafficking upon request, if the victim meets the qualifications.

Robbery-Homicide Division (RHD), Robbery Special Section is part of the Los Angeles Metro Task Force on Human Trafficking. Robbery-Homicide Division **shall** have investigative responsibility for the crime of human trafficking, **and shall complete the certification for an immigrant victim seeking a T-visa.** Department employees who encounter human trafficking and/or forced labor should contact RHD and refer to Training Bulletin, "Human Trafficking," dated February 2007.

- C. U-visa Qualifications.** The Victims of Trafficking and Violence Protection Act requires that an immigrant victim applying for a U-visa be the victim of one or more of the serious crimes against persons listed on the Department of Homeland Security, USCIS I-918, Supplement B, U Nonimmigrant Status Certification form, Part 3, Criminal Acts. A Law Enforcement Agency endorsement **may** be provided to an immigrant victim seeking a U-visa, at the discretion of the I/O and his or her division or Area detective commanding officer (C/O). If the determination is made that a LEA endorsement will be provided, the I/O shall use the I-918, Supplement B, form.

**Note:** The Victims of Trafficking and Violence Protection Act requires that the immigrant victim has suffered substantial physical or mental abuse, however, the **federal act does not provide a definition of "substantial abuse."** For crimes of domestic violence, it is recommended that Department I/Os generally be guided by the California Penal Code, Section 273.5, definition of a "traumatic condition." A pattern of felony and/or misdemeanor domestic violence may also constitute substantial abuse, depending on specific circumstances of the case. Investigating officers and their C/Os should use their best judgement and their knowledge of each individual case when providing certification for



**II. INVESTIGATING OFFICER'S RESPONSIBILITIES.** The investigating officer shall verify that the immigrant victim meets the criteria for the appropriate T-visa or U-visa, LEA endorsement. Investigating officers completing either federal form shall follow the federal form instructions. The investigating officer shall ensure the following when issuing the LEA endorsement:

- \* Once the determination is made that the immigrant victim meets the necessary qualifications and a LEA endorsement will be issued, the I/O shall complete the appropriate federal form and forward the form to the appropriate Area detective C/O or specialized division C/O for signature and certification;
- \* The Law Enforcement Agency endorsement is provided to the immigrant victim in-person and in a timely manner;

**Note:** The Law Enforcement Agency endorsement, I-914, Supplement B, for a T-visa application shall be provided within 15 days of the determination that the immigrant victim meets the necessary qualifications.

- \* Attempt to verify the immigrant victim's identity when providing the LEA endorsement, either by government issued identification (e.g., passport, etc.) or by personal knowledge of the victim (e.g., prior in-person interview, courtroom testimony, photographic evidence, etc.);
- \* Ensure a copy of the LEA endorsement and documentation of the date issued to the victim is included in the investigation case package; and,

**Note:** Confidential victim information may be provided to the immigrant victim for their Department of Homeland Security, USCIS visa application. However, copies of confidential information retained in Department records may need to have victim information redacted.

- \* If the I/O, the Area detective C/O, or the specialized division C/O determines a LEA endorsement will not be provided, the I/O shall document the reason (i.e., crime not investigated by the Department, victim not cooperative, or the crime does not qualify under the



**III. AREA DETECTIVE COMMANDING OFFICER'S, OR SPECIALIZED DIVISION COMMANDING OFFICER'S RESPONSIBILITIES.** The Area detective C/O or specialized division C/O shall:

- \* Review the information contained in the federal form and supporting documentation;
- \* Forward the federal I-914, Supplement B form to RHD for certification, if appropriate;

Note: In the event the immigrant victim is seeking a T-visa on the federal I-914 form, and the division with investigative responsibility is not RHD, (e.g., Detective Support and Vice Division, a geographic Area, etc.) the federal I-914 form shall be forwarded to the Commanding Officer, RHD, for certification.

- \* Sign and date the certification; and,
- \* Return the federal form to the I/O, to provide to the immigrant victim.

**Note:** In the event that certification is denied and the immigrant victim wishes to appeal, the geographic Area C/O shall be the first level of appeal. If the victim still wishes to appeal or the case is handled by a specialized division, the Area or division C/O shall forward copies of all documentation to the bureau C/O. The bureau C/O shall have the final decision regarding the issuance or denial of a law enforcement certification.

In addition to the above listed duties, the Commanding Officer, RHD, shall ensure copies of all federal I-914, Supplement B, and I-918, Supplement B forms are reviewed and maintained in a secure file.

**IV. DEPARTMENT OF HOMELAND SECURITY, USCIS, I-914, SUPPLEMENT B-DECLARATION OF LAW ENFORCEMENT OFFICER FOR VICTIM OF TRAFFICKING IN PERSONS - ACTIVATED.**

- A. Use of Form.** The I-914, Supplement B, shall be completed for immigrant victims of human trafficking, applying for a T-visa.
- B. Completion.** Investigating officers shall complete the I-914, Supplement B, as directed by the Department of Homeland Security, I-914 instructions. Investigating officers completing the I-914, Supplement B, shall also check the "Other" box and write in "Local Law Enforcement - LAPD," in PART A.

**C. Distribution.**

- 1 - Original, provided to the victim.
- 1 - Copy, retained in the investigation case package.
- 1 - Copy, to RHD, Special Section.
- 3 - TOTAL

**V. DEPARTMENT OF HOMELAND SECURITY, USCIS, I-918, SUPPLEMENT B, U NONIMMIGRANT STATUS CERTIFICATION - ACTIVATED.**

- A. Use of Form.** The I-918, Supplement B, shall be completed for immigrant victims of serious crimes against persons, as listed on the I-918, Supplement B, Part 3, Criminal Acts, who are applying for a U-visa.
- B. Completion.** Investigating officers shall complete the I-918, Supplement B, as directed by the Department of Homeland Security, I-918 instructions. The following directions, in addition to those provided on the federal instructions, clarify the Department I/O's use of the I-918, Supplement B, Part 1 through Part 6:
- \* Provide the victim's last name and first name, in Part 1, Victim Information;
  - \* Provide the agency name, Area or division (e.g., Los Angeles Police Department, Central Area), in Part 2, Agency Information;
- Note:** The investigating officer shall include his or her title, last name, and serial number in parenthesis in this first box, after the agency name, for Department reference.
- \* Provide the name of the certifying official (division or Area detective OIC), their title and division, in Part 2, Agency Information. The name provided as the certifying official in Part 2 shall match the signature in Part 6, Certification;
  - \* Complete the check box for all applicable violations, provide the dates of occurrence and the California Penal Code Sections in Part 3, Criminal Acts, questions 1-3.

**Note:** The violation of "prostitution" refers to a victim of coerced or involuntary prostitution.

- \* Affirm the criminal activity occurred in the United States;
- \* Provide a brief explanation of the immigrant victim's assistance or refusal to provide assistance (e.g., "victim provided suspect's name and location," or "victim denied previous allegations"), in Part 4, Helpfulness of the Victim; and,
- \* Provide information regarding any family members involved in the commission of the crime(s).

**Note:** If the victim unreasonably refuses to assist in the case investigation or prosecution after the I-918, Supplement B, is provided, a written statement on Department letterhead shall be mailed to USCIS, Vermont Service Center as detailed in the I-918, Supplement B, instructions, Part 6, Certification.

**C. Distribution.**

1 - Original, provided to the victim.

1 - Copy, retained in the investigation case package.

1 - Copy, to RHD, Special Section

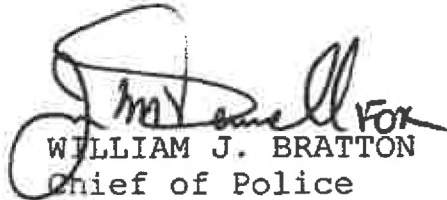
**3 - TOTAL**

**FORM AVAILABILITY:** The Department of Homeland Security, USCIS forms, the I-914, Supplement B-Declaration of Law Enforcement Officer of Victims of Trafficking in Persons, and the I-918, Supplement B, U Nonimmigrant Status Certification, are currently available on the USCIS website, [www.uscis.gov](http://www.uscis.gov). Copies are also attached for immediate duplication and use. The I-914, Supplement B and I-918, Supplement B will be available in LAPD Forms on the Department Local Area Network (LAN).

**AMENDMENTS:** This Order adds Department Manual Section 4/264.70 and three outside agency forms, Department of Homeland Security, USCIS I-914, Supplement B, and USCIS I-918, Supplement B

November 6, 2008

**AUDIT RESPONSIBILITY:** The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with the Department Manual Section 0/080.30.



WILLIAM J. BRATTON  
Chief of Police

Attachments

DISTRIBUTION "D"

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**I-914, Supplement B-Declaration of Law Enforcement  
Officer for Victim of Trafficking in Persons**

**INSTRUCTIONS TO CERTIFYING OFFICER:** This applicant is applying for immigration benefits based upon a claim of having been a victim of a severe form of trafficking in persons. Please complete the form below based upon your knowledge of the case, including evidence developed by other law enforcement officers investigating the case.

In order to be granted immigration benefits, the applicant must demonstrate that he or she is present in the United States as a result of being a victim of a severe form of trafficking in persons. Unless the applicant is less than 18 years old, the applicant must also demonstrate that he or she is cooperating with law enforcement in the investigation and prosecution of the trafficking crime of which he or she was a victim.

To be completed by Federal Law Enforcement Officers for victims under the Victims of Trafficking and Violence Protection Act, Public Law 106-386.

**PART A. General Information.**

Name of Government Agency:		<input type="checkbox"/> U.S. Marshal's Service, DOJ	<input type="checkbox"/> U.S. Attorney's Office, DOJ	Date (mm/dd/yyyy)
<input type="checkbox"/> U.S. Citizenship and Immigration Services, DHS	<input type="checkbox"/> Federal Bureau of Investigation, DOJ	<input type="checkbox"/> Diplomatic Security, DOS		
<input type="checkbox"/> Civil Rights Division, DOJ	<input type="checkbox"/> Criminal Division, DOJ	<input type="checkbox"/> Other _____		
Address of Agency/Official			Name and Title of Certifying Officer or Official	
City	State	ZIP Code	Phone No.	Fax No.
Victim's Name		Other Names Used	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (mm/dd/yyyy)
Date of Crime (mm/dd/yyyy)	Charges			Case No.
Date Initiated (mm/dd/yyyy)	Case Status <input type="checkbox"/> On-going <input type="checkbox"/> Completed <input type="checkbox"/> N/A		Date Completed (mm/dd/yyyy)	FBI Identification No., if any

**PART B. Statement of Claim.**

- The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of: *(Please check all that apply. Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged, the counts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at 8 CFR 214.11(a).)*
  - ☐ Sex trafficking in which a commercial sex act was induced by force, fraud or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
  - ☐ Sex trafficking and the victim is under the age of 18.
  - ☐ The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  - ☐ Not applicable.
  - ☐ Other, please specify on attached additional sheets.
- Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case. Please include relevant dates, etc. Attach additional sheets, if necessary.
- Has the applicant expressed any fear of retaliation or revenge if removed from the United States? If yes, please explain. Attach additional sheets, if necessary.

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**PART C. Cooperation of Victim.** *(Attach additional sheets, if necessary.)*

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The applicant:

- ☐ Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- ☐ Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- ☐ Has not been requested to assist in the investigation/prosecution of any crime of trafficking.
- ☐ Has not yet attained the age of 18.
- ☐ Other, please specify on attached additional sheets.

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**PART D. Family Members.**

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- ☐ Yes ☐ No Are any of the applicant's relatives believed to have been involved in his or her trafficking to the United States? If Yes, list the relatives and describe that relative's involvement in the applicant's trafficking.

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**PART E. Attestation.**

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Based upon investigation of the facts, I certify, under penalty of perjury, that the above noted individual is or has been a victim of a severe form of trafficking in persons as defined by the VTVPA. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make, no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification.

[ \_\_\_\_\_ ]

*(Signature of Law Enforcement Officer  
identified in Box A above)*

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
[ \_\_\_\_\_ ]

*(Signature of Supervisor of Certifying Officer)*

\_\_\_\_\_  
*(Printed Name of Supervisor)*

\_\_\_\_\_  
Date (mm/dd/yyyy)



# Instructions for I-918, Supplement B, U Nonimmigrant Status Certification

## Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

### What Is the Purpose of This Form?

You should use Form I-918, Supplement B, to certify that an individual submitting a Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that activity.

### When Should I Use Form I-918, Supplement B?

If you, the certifying official, determine that this individual (better known as the petitioner) is, has been, or is likely to be helpful in your investigation or prosecution, you may complete this supplement form. The petitioner must then submit the supplement to USCIS with his or her petition for U nonimmigrant status.

**NOTE:** An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918, Supplement B, for any particular alien. However, without a completed Form I-918, Supplement B, the alien will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the alien must be a victim of qualifying criminal activity. The term "victim" generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

The alien spouse, unmarried children under 21 years of age and, if the victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter, or
2. Where a violent qualifying criminal activity has caused the direct victim physical harm of a kind and degree that makes the direct victim incompetent or incapacitated, and, therefore, unable to provide information concerning the criminal activity or to be helpful in the investigation or prosecution of the criminal activity.

An alien may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
  - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
  - B. To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she (or in the case of an alien under the age of 16 years or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in **Part 3** of this form. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

### General Instructions.

#### Fill Out the Form I-918, Supplement B

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **7**. The following information should help you fill out the form.

**Part 1 - Victim information.**

- A. Family Name (Last Name)** - Give victim's legal name.
- B. Given Name (First name)** - Give victim's full first name, do not use "nicknames." (Example: If victim's name is Albert, do not use Al.)
- C. Other Names Used** - Provide all the names the victim has used that you are aware of, including maiden name if applicable, married names, nicknames, etc.
- D. Date of Birth** - Use eight numbers to show his or her date of birth (example: May 1, 1979, should be written 05/01/1979).
- E. Gender** - Check the appropriate box.

**Part 2 - Agency information.**

- A. Name of certifying agency** - The certifying agency must be a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, that has responsibility for the investigation or prosecution, conviction or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches within the criminal justice system, and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, such as the child protective services, Equal Employment Opportunity Commission, and Department of Labor.

- B. Name of certifying official** - A certifying official is:

- 1. The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; or
- 2. A Federal, state or local judge.

If the certification is not signed by the head of the certifying agency, please attach evidence of the agency head's written designation of the certifying official for this specific purpose.

- C. Agency address** - Give the agency's mailing address.

**Part 3 - Criminal acts.**

- A. Check all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing** - If the crime(s) of which the petitioner is a victim is not listed, please list the crime(s) and provide a written explanation regarding how it is similar to one of the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity found on the certification form itself.
- B. Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States** - Qualifying criminal activity of which the applicant is a victim had to violate U.S. law or occur within the United States.

Please indicate whether the qualifying criminal activity occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States.

- 1. **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands.
- 2. **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
- 3. **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control

**4. Territories and possessions of the United States** means American Samoa, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Please provide the statutory citation for the extraterritorial jurisdiction.

#### **Part 4 - Helpfulness of the victim.**

**A. Indicate whether the victim possesses information about the crime(s).** A petitioner must be in possession of information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning that criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not the victim will not be considered to possess information concerning qualifying criminal activities.

When the victim is under 16 years of age, incapacitated or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or "next friend" of the minor petitioner may provide that information. "Next friend" is a person who appears in a lawsuit to act for the benefit of an alien victim. The "next friend" is not a party to the legal proceeding and is not appointed as a guardian.

**B. Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity.** A victim must provide evidence to USCIS that he or she (or, in the case of an alien child under the age of 16 or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying law enforcement official in the investigation or prosecution of the qualifying criminal activity.

Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Alien victims who, after initiating cooperation refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B, U Nonimmigrant Status Certification significant weight, but it will not be considered conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the alien's involvement with your agency and all other information known to USCIS in determining whether the alien meets the elements of eligibility.

#### **Part 5 - Family members implicated in criminal activity.**

**List whether any of the victim's family members are believed to have been involved in the criminal activity of which he or she is a victim.** An alien victim is prohibited from petitioning for derivative U nonimmigrant status on behalf of a qualifying family member who committed battery or extreme cruelty or trafficking against the alien victim which established his or her eligibility for U nonimmigrant status. Therefore, USCIS will not grant an immigration benefit to a qualifying family member who committed qualifying criminal activities in a family violence or trafficking context.

#### **Part 6 - Certification.**

Please read the certification block carefully. **NOTE:** If the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, even after this form is submitted to USCIS, you **must** notify USCIS by sending a written statement to: USCIS - Vermont Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001. Please include the victim's name, date of birth, and A-number (if available) on all correspondence.



Department of Homeland Security  
U.S. Citizenship and Immigration Services

**I-918 Supplement B,**  
**U Nonimmigrant Status Certification**

**START HERE - Please type or print in black ink.**

**Part 1. Victim information.**

Family Name	Given Name	Middle Name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Other Names Used (Include maiden name/nickname)		
<input type="text"/>		
Date of Birth (mm/dd/yyyy)	Gender	
<input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	

**Part 2. Agency information.**

Name of Certifying Agency	
<input type="text"/>	
Name of Certifying Official	Title and Division/Office of Certifying Official
<input type="text"/>	<input type="text"/>
Name of Head of Certifying Agency	
<input type="text"/>	
Agency Address - Street Number and Name	
<input type="text"/>	
Suite #	
<input type="text"/>	
City	State/Province
<input type="text"/>	<input type="text"/>
Zip/Postal Code	
<input type="text"/>	
Daytime Phone # (with area code and/or extension)	Fax # (with area code)
<input type="text"/>	<input type="text"/>
Agency Type	
<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local	
Case Status	
<input type="checkbox"/> On-going <input type="checkbox"/> Completed <input type="checkbox"/> Other	
Certifying Agency Category	
<input type="checkbox"/> Judge <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecutor <input type="checkbox"/> Other	
Case Number	FBI # or SID # (if applicable)
<input type="text"/>	<input type="text"/>

**For USCIS Use Only.**

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	Remarks
Date	
Date	
Reloc Rec'd	
Date	Remarks
Date	
Date	

**Part 3. Criminal acts.**

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Abduction                                 | <input type="checkbox"/> Female Genital Mutilation                    | <input type="checkbox"/> Obstruction of Justice                         | <input type="checkbox"/> Slave Trade  |
| <input type="checkbox"/> Abusive Sexual Contact                    | <input type="checkbox"/> Hostage                                      | <input type="checkbox"/> Peonage  | <input type="checkbox"/> Torture  |
| <input type="checkbox"/> Blackmail                                 | <input type="checkbox"/> Incest                                       | <input type="checkbox"/> Perjury  | <input type="checkbox"/> Trafficking  |
| <input type="checkbox"/> Domestic Violence                         | <input type="checkbox"/> Involuntary Servitude                        | <input type="checkbox"/> Prostitution                                   | <input type="checkbox"/> Unlawful Criminal Restraint                                    |
| <input type="checkbox"/> Extortion                                 | <input type="checkbox"/> Kidnapping                                   | <input type="checkbox"/> Rape   | <input type="checkbox"/> Witness Tampering  |
| <input type="checkbox"/> False Imprisonment                        | <input type="checkbox"/> Manslaughter                                 | <input type="checkbox"/> Sexual Assault                                 | <input type="checkbox"/> Related Crime(s)   |
| <input type="checkbox"/> Felonious Assault                         | <input type="checkbox"/> Murder                                       | <input type="checkbox"/> Sexual Exploitation                            | <input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.) |
| <input type="checkbox"/> Attempt to commit any of the named crimes | <input type="checkbox"/> Conspiracy to commit any of the named crimes | <input type="checkbox"/> Solicitation to commit any of the named crimes | <input type="text"/>  |

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**Part 3. Criminal acts.** (Continued.)

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1. Provide the date(s) on which the criminal activity occurred.

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

2. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

3. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States?

☐ Yes

☐ No

- a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute?

☐ Yes

☐ No

- b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

- c. Where did the criminal activity occur?

4. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.

5. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

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**Part 4. Helpfulness of the victim.**

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The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in Part 3.

☐ Yes

☐ No

2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided.)

☐ Yes

☐ No

3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.)

☐ Yes

☐ No

4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.)

☐ Yes

☐ No

**Part 4. Helpfulness of the victim. (Continued.)**

5. Other, please specify.

**Part 5. Family members implicated in criminal activity.**

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? ☐ Yes ☐ No

2. If "Yes," list relative(s) and criminal involvement. *(Attach extra reports or extra sheet(s) of paper if necessary.)*

Full Name	Relationship	Involvement

**Part 6. Certification.**

I am the head of the agency listed in **Part 2** or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in **Part 1** is or has been a victim of one or more of the crimes listed in **Part 3**. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

Signature of Certifying Official Identified in Part 2.

Date (mm/dd/yyyy)



**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 12**

September 29, 2022

**SUBJECT:        LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING (T-VISA) – RENAMED AND REVISED; AND, LAW ENFORCEMENT CERTIFICATION FOR IMMIGRANT VICTIMS OF SERIOUS CRIMES AGAINST PERSONS (U-VISA) – REVISED**

**PURPOSE:**        The purpose of this Order is to rename and revise Department Manual Section 4/264.70, *Law Enforcement Agency Endorsement for Immigrant Victims of Human Trafficking (T-visa)*, to *Law Enforcement Agency Declaration for Immigrant Victims of Human Trafficking (T-visa)*, and to revise Department Manual Section 4/264.72, *Law Enforcement Agency Certification for Immigrant Victims of Serious Crimes Against Persons (U-visa)*. These revisions reflect the current title of the T-visa paperwork and create uniformity between the T-visa declaration and U-visa certification procedure.

**PROCEDURES:**

- I.    LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING (T-VISA) – RENAMED AND REVISED.** Department Manual Section 4/264.70, *Law Enforcement Agency Endorsement for Immigrant Victims of Human Trafficking (T-visa)*, has been renamed as *Law Enforcement Agency Declaration for Immigrant Victims of Human Trafficking (T-visa)*. Attached is the renamed manual section with revisions indicated in italics.
- II.   LAW ENFORCEMENT CERTIFICATION FOR IMMIGRANT VICTIMS OF SERIOUS CRIMES AGAINST PERSONS (U-VISA) – REVISED.** Department Manual Section 4/264.72, *Law Enforcement Agency Certification for Immigrant Victims of Serious Crimes Against Persons (U-visa)*, has been revised. Attached is the revised manual section with revisions indicated in italics.

**AMENDMENT:** This Order amends Sections 4/264.70 and 4/264.72 of the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE  
Chief of Police

Attachments

DISTRIBUTION "D"

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**264.70 LAW ENFORCEMENT AGENCY *DECLARATION* FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING (T-VISA).** The Department is responsible for completing a Law Enforcement Agency (LEA) *declaration upon request of the immigrant victim*, providing the immigrant victim meets the qualifications as delineated in this section.

**T-visa Defined.** The T Nonimmigrant status visa (also known as the T-visa) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases. A LEA *declaration* is evidence of a victim's cooperation and it may be submitted in support of a T-visa application.

**T-visa Qualifications.** Immigrant victims of human trafficking and the immigrant victim's family members may be eligible to apply for a T-visa. A LEA *declaration shall* be provided to the victim of human trafficking upon request, if the victim meets the qualifications. This will be based upon the investigating officer's (I/O) knowledge of the case, and any additional evidence developed. The I/O *shall* determine if the applicant is present in the United States as a result of being a victim of a severe form of trafficking in persons and determine if the applicant has complied with reasonable requests throughout the investigation.

**Note:** The *declaration shall* be completed on the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS), Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

The assigned investigating Area/Division is responsible for completing the *declaration*. California Penal Code Section 236.5(a) mandates the *declaration* for a victim seeking a T-visa be completed within 15 business days of the first encounter with the victim. *The first encounter will be the day the assigned investigating division receives the declaration request.*

**Investigating Officer's Responsibilities.** The I/O shall verify the following when issuing a T-visa *declaration*:

- *Upon receipt of a declaration request, verify the Department conducted the investigation;*

**Note:** *Declaration requests can be submitted by United States Postal Service (USPS), private courier, in person delivery, or email.*

- Attempt to verify the victim's identity, either by government-issued identification (e.g., state-issued identification, foreign passport or identification, consulate identification) or by personal knowledge of the victim (e.g., prior in-person interview, courtroom testimony, photographic evidence);
- Enter the *declaration* request into the U/T-visa database;
- If the victim qualifies for a *declaration*, complete the Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons;

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- If the victim does not qualify for a *declaration*, adhere to *LEA Declaration Denial Procedures* as delineated in this policy;
- Ensure the *declaration* is signed in a color of ink other than black for verification purposes by a designated certifying official;

**Note:** A certifying official is a sworn officer of supervisory rank whose signature is on the Certifying Official Information Form authorized by the Chief of Police and on file with USCIS. All original Certifying Official Information Forms shall be completed and returned to Detective Bureau for processing. Areas or specialized divisions that experience a change in certifying officials due to retirement, permanent deployment changes, etc., shall notify the Department U-Visa Coordinator, Detective Bureau, of such changes and provide a replacement. A new Certifying Official Information Form will need to be completed when there is a personnel change.

- Scan a copy of the *declaration* to upload into the U/T-visa database;
- Provide the original *declaration* to the victim or their legal representative by *USPS* or in-person pick up within the 15 *business days* time limit;
- Ensure all information related to the *LEA declaration* is updated in the Detective Case Tracking System (DCTS); and,
- Update the U/T-visa database with the dates the *declaration* was signed and mailed/picked up, and include in the notes who the *declaration* was mailed to or who took receipt of the declaration.

***Law Enforcement Agency Declaration Denial Procedures.*** If the victim does not qualify for a *declaration*, the I/O shall:

- Document the finding and reason for denial in the U/T-visa database;
- Complete a denial letter on Department letterhead signed by the Area Detective/ Specialized Division Commanding Officer (CO);
- Provide the denial letter to the victim or their legal representative within the 15 business days time limit; and,
- Update DCTS with the denial information.

***Law Enforcement Agency Declaration Appeal Procedure.*** *In the event the declaration is denied and the victim or their legal representative would like to appeal the denial, the case shall be reviewed by the Department U-Visa Coordinator. The victim may submit additional evidence to the law enforcement agency, which the Department U-Visa Coordinator will review and respond to within one week of the receipt of additional evidence (236.5 (c) PC). The Department U-Visa Coordinator has been designated as the final level of appeal and shall make the final decision regarding the issuance or denial of the T-visa declaration.*

**Note:** All updated information shall be maintained in the U/T-visa database.

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**Detective Bureau Commanding Officer's Responsibilities.** The Detective Bureau CO will designate a Department U-Visa Coordinator to track the number and outcome of all U/T-visa requests Department-wide, *review all appeal requests, and coordinate meetings for Area/Specialized Division U-Visa Coordinators, as needed.*

**264.72 LAW ENFORCEMENT CERTIFICATION FOR IMMIGRANT VICTIMS OF SERIOUS CRIMES AGAINST PERSONS (U-VISA).** The Department is responsible for completing a Law Enforcement Agency (LEA) certification **upon request of the immigrant victim**, providing the immigrant victim meets the qualifications as delineated in this section.

**U-visa defined.** The U Nonimmigrant status visa (also known as the U-visa) provides immigration protection for victims of qualifying crimes who have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the criminal activity. The U-visa provides temporary legal status to immigrant victims. An arrest, prosecution, or conviction is not required for law enforcement to sign the certification. A LEA certification is one piece of a larger application that a victim must submit for U-visa consideration to the United States Citizenship and Immigration Services (USCIS).

The Victims of Trafficking and Violence Protection Act requires that the immigrant victim has suffered substantial physical or mental abuse for *U-visa consideration*; however, the USCIS will make the determination as to whether the victim has met the "substantial physical or mental" standard on a case-by-case basis during its adjudication of the U-visa petition.

California Penal Code Section 679.10 mandates certification requests be completed within 30 *calendar* days of receiving the request, or 7 *calendar* days if the victim is in immigration removal proceedings. The law also assumes that the victim was helpful, is being helpful, or is likely to be helpful. *If the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement, the victim will qualify for a U-visa.*

**Qualifications that the victim must meet are as follows:**

- Must be a victim of qualifying criminal activity (refer to list of crimes on Department of Homeland Security, USCIS, Form I-918 Supplement B, U Nonimmigrant Status Certification, Part 3. Criminal Acts);
- Must possess information relevant to the crime;
- The victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and,
- The crime(s) must have violated United States law, have occurred within the City of Los Angeles, and have been investigated by the Department.

**Indirect victims.** Certain immediate family members can qualify to request a U-visa certification as an indirect victim of crime if all of the following conditions are met:

- The individual must have a qualifying family relationship to the direct victim:

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- If the direct victim is age 21 or older at the time of the crime, their spouse, and unmarried children under age 21 may qualify; or,
- If the direct victim is under age 21 at the time of the crime, their spouse, unmarried children under age 21, parents, and unmarried siblings under age 18 may qualify.
- The direct victim is unable to assist law enforcement because they are:
  - Deceased due to murder or manslaughter; or,
  - Incompetent or incapacitated, including due to injury, trauma, or age.
- The indirect victim must meet all other eligibility requirements for U-visa certification.

**Note:** A certification may be signed for an indirect victim regardless of whether the direct victim is a United States citizen or non-citizen.

**Derivative family members.** Certain immediate family members of U-visa recipients may also be eligible to live and work in the United States as a derivative U-visa recipient based on their relationship with the principal recipient. These derivative applications do not require law enforcement certification.

**These family members include:**

- Unmarried children under the age of 21 of U-visa recipients;
- Spouses of U-visa recipients;
- Parents of U-visa recipients under age 21; and,
- Unmarried siblings (under the age of 18) of U-visa recipients under age 21.

**Note:** Step-parent, stepchildren, adoptive parent, and adoptive children may also qualify as derivative family members.

**Area/Specialized Division U-Visa Coordinator's Responsibilities.** The Area Detective/Specialized Division CO shall designate a primary and secondary U-Visa Coordinator. The U-Visa Coordinator can be sworn or civilian. Their responsibilities include:

- Coordinating the processing of the certification requests, which can be submitted by United States Postal Service (USPS), private courier, in person delivery, or email;
- Upon receipt of a certification request, verifying the Department conducted the investigation.

**Note:** The assigned investigating Area/Division is responsible for completing the certification. The 30 *calendar* days or 7 *calendar* days time limit does not start until the investigating Area/division receives the certification request.

- Attempting to verify the victim's identity, either by government-issued identification (e.g., state-issued identification, foreign passport or identification, consulate



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identification) or by personal knowledge of the victim (e.g., prior in-person interview, courtroom testimony, photographic evidence);

- Entering the certification request into the U/T-visa database;
- Obtaining a copy of the crime or arrest report;

**Note:** The victim does not need to provide a copy of the crime or arrest report. The report can be obtained through Department resources. The victim is not entitled to a copy of the report unless they qualify for a copy of the report without cost due to the crime (domestic violence, sexual assault, stalking, human trafficking, and elder abuse per California Family Code Section 6228).

- Reviewing the crime or arrest report, investigative notes, and, if applicable, the court minutes (to ensure the victim was cooperative throughout the court process) to determine if the victim meets the qualification criteria;
- If the victim qualifies for a certification, completing the Form I-918, Supplement B, U Nonimmigrant Status Certification;
- If the victim does not qualify for a certification, adhering to LEA Certification Denial Procedures as delineated in this policy;
- Ensuring the certification is signed in a color of ink other than black for verification purposes by a designated certifying official;

**Note:** A certifying official is a sworn officer of supervisory rank whose signature is on the Certifying Official Information Form authorized by the Chief of Police and on file with USCIS. All original Certifying Official Information Forms shall be completed and returned to Detective Bureau for processing. Areas or specialized divisions that experience a change in certifying officials due to retirement, permanent deployment changes, etc., *shall* notify the Department U-Visa Coordinator, Detective Bureau, of such changes and provide a replacement. A new Certifying Official Information Form shall be completed when there is a personnel change.

- Scanning a copy of the certification to upload into the U/T-visa database;
- Providing the original certification to the victim or their legal representative by USPS or in person pick up within 30 *calendar* days;
- Ensuring all information related to the certification is updated in the Detective Case Tracking System (DCTS); and,
- Updating the U/T-visa database with the dates the certification was signed and mailed/picked up and include in the notes who the certification was mailed to or picked up by.

**Exceptional Handling:**

- Cases where there is no investigative follow up by Area/Specialized Division Detectives (i.e., direct file cases), the victim's level of cooperation should be assessed based on their cooperation during the preliminary investigation;



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- U-visa certification requests can be prioritized based on time sensitive issues, needing to meet a deadline for USCIS; and,
- A witness to a crime can obtain a certification if all the qualification factors are met.

**Law Enforcement Agency Certification Denial Procedures.** If the victim does not qualify for a certification, the U-Visa Coordinator shall:

- Document the finding and reason for denial in the U/T-visa database;
- Complete a denial letter on Department letterhead signed by the Area Detective/Division CO or the Specialized Division CO;
- Provide the denial letter to the victim or their legal representative; and,
- Update DCTS with the denial information.

**Law Enforcement Agency Certification Appeal Procedure.** In the event the certification is denied and the victim or their legal representative would like to appeal the denial, the case shall be reviewed by the Department U-Visa Coordinator. The Department U-Visa Coordinator will be the final level of appeal and shall make the final decision regarding the issuance or denial of the U-visa certification.

**Disavowing/Withdrawing of LEA Certification.** A certifying agency may disavow or withdraw their certification if the victim stops being helpful. To do so, the U-Visa Coordinator shall notify the USCIS in writing on a Department letterhead, which should include:

- The name and date of birth of the individual;
- The name of the individual who originally signed the certification and date it was signed;
- The reason why the certification is being disavowed/withdrawn describing how the victim had refused to cooperate with reasonable requests made by the Department;
- The reason why the victim stopped being helpful *if known*;
- The signature and title of the individual who is disavowing/withdrawing the certification; and,
- A copy of the previously signed certification, if there is one on file.

**Area Detective/Specialized Division Commanding Officer's Responsibilities.** The Area Detective/Specialized Division CO shall designate a primary and secondary U-Visa Coordinator and ensure compliance with this section.

**Detective Bureau Commanding Officer's Responsibilities.** The Detective Bureau Commanding Officer *shall* designate a Department U-Visa Coordinator to track the number and outcome of all U-visa requests Department-wide, review all appeal requests, and coordinate meetings for Area/Specialized Division U-Visa Coordinators, as needed.

## CHIEF OF DETECTIVES

### **NOTICE** 1.8

January 8, 2024

**TO:** All Department Personnel

**FROM:** Chief of Detectives

**SUBJECT:** ASSEMBLY BILL 1261 – CRIME: WITNESSES AND INFORMANTS

The purpose of this Notice is to provide awareness and direction regarding Assembly Bill (AB) 1261 – *Crime: Witnesses and Informants* which amends California Penal Code (PC) Sections 679.10, defining requirements for processing law enforcement certification requests for U Visa applicants, and PC Section 679.11, defining requirements for processing law enforcement declaration requests for T Visa applicants. In addition, AB 1261 adds PC Section 679.13, which introduces requirements for completing an S Visa application for qualified criminal informants. The law will become effective January 1, 2024.

The amendments to PC Sections 679.10 and 679.11 are listed below. For additional detail on Department policy, refer to Department Manual Section 4/264.70, *Law Enforcement Agency Declaration for Immigrant Victims of Human Trafficking (T Visa)*, and Department Manual Section 4/264.72, *Law Enforcement Agency Certification for Immigrant Victims of Serious Crimes Against Persons (U Visa)*.

- The person requesting certification/declaration does not have to provide government issued identification;
- The person requesting certification/declaration does not have to be in the United States;
- For purposes of determining helpfulness, there is a rebuttable presumption that a victim was helpful. If the victim reasonably asserts they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness;
- When denying a certification/declaration, the certifying entity shall provide a written explanation for the denial including specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate;
- The certification/declaration request shall be processed within seven business days if the victim (applicant) asserts a qualifying family member will lose eligibility to be included on the U or T Visa application within 60 days of the certification/declaration request;
- A current investigation, filing of charges, apprehension of the suspect, closing of the case, and prosecution or conviction are not required to complete a certification/declaration request;
- A certification/declaration request cannot be denied because of the victim's criminal history, immigration history, gang membership/affiliation, the belief that the visa will not

be approved by the United States Citizenship and Immigration Services, an open case with another agency, extent of harm the victim suffered, inability to produce a copy of the crime report, and level of cooperation in a separate case; and,

- Law enforcement certification/declaration can be for direct victims, indirect victims, and bystander or witness victims.

Existing federal law provides a S Nonimmigrant status visa form (also known as an S Visa), which gives temporary immigration benefits to a person who is a witness or informant. Penal Code Section 679.13 codifies requirements for law enforcement certification requests for S Visa applicants.

To qualify for an S Visa, a person must meet the following requirements to be a qualified criminal informant:

- Have reliable information about an important aspect of a crime or pending commission of a crime;
- Be willing to share that information with law enforcement officials or become a witness in court; and,
- The person's presence in the United States is important and leads to the successful investigation or prosecution of a crime.

If the person meets the requirements to be a qualified criminal informant, the law enforcement agency shall apply for the S Visa. The assigned investigating Area/division is responsible for completing the S Visa certification and filing the paperwork with the United States Department of Justice.

If you have any questions, please contact the U Visa Coordinator, Detective Bureau, at (213) 486-7000.



ALAN S. HAMILTON, Deputy Chief  
Chief of Detectives

APPROVED:



DANIEL RANDOLPH, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

DISTRIBUTION "D"

## CHIEF OF DETECTIVES

### NOTICE

April 8, 2025

1.8

**TO:** All Concerned Personnel

**FROM:** Chief of Detectives

**SUBJECT:** MONITORING OF AREA U-VISA EMAIL ACCOUNTS – REMINDER

The purpose of this Notice is to remind Areas and specialized divisions with an assigned U-visa email account to access the respective account at least once a work day to maintain compliance with California Penal Code (PC) Sections 236.5(a) and 679.10. California PC Section 236.5(a) mandates T-visa declaration requests be completed within **15 business days of the first encounter** with the victim. The first encounter is the day the assigned investigative division receives the declaration request. California PC Section 679.10 mandates U-visa certification requests be completed within **30 calendar days** of receiving the request or **7 calendar days** if the victim is in immigration removal proceedings.

Daily monitoring of the email account will also allow direct communication between the community and U-visa Coordinator. The Department established a generic U-visa email account for each Area and specialized division. For example, Central Area is assigned the email address UVISA-01@lapd.online.

Each Area U-visa Coordinator and/or designee shall access their respective email account at least once a work day to check for U-visa certification or T-visa declaration requests to be processed. Completed requests or denials shall be entered into the U/T-visa database and case notes in the Detective Case Tracking System or Records Management System.

If you have any questions, please contact the Department U-visa Coordinator, Detective Bureau, at (213) 486-7000.

APPROVED:



ALAN S. HAMILTON, Deputy Chief  
Chief of Detectives



T. SCOTT HARRELSON, Deputy Chief  
Chief of Staff  
Office of the Chief of Police

DISTRIBUTION "D"